

Message Text

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63

ACTION EUR-25

INFO OCT-01 ISO-00 OPR-02 PER-05 A-01 L-03 PA-04 SY-04

CIAE-00 INR-10 NSAE-00 RSC-01 DRC-01 (ISO) W

----- 113372

R 211442Z MAY 74

FM AMEMBASSY WARSAW

TO USIA WASHDC

SECSTATE WASHDC 9123

INFO AMCONSUL POZNAN

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E.O. 11652: N/A

TAGS: APER, PINS, PL, US

SUBJECT: POZNAN CONSULATE LOCALS: SITUATION REPORT

REF: WARSAW 2139 AND PREVIOUS

1. CONSUL MALIN WAS TOLD BY THE POZNAN PUBLIC PROSECUTOR MAY 21 THAT THE INVESTIGATION OF THE TWO CONSULATE LOCALS WAS ALMOST COMPLETED AND THE RESULTS OF THE INVESTIGATION WOULD BE MADE AVAILABLE TO THE DEFENSE LAWYERS ON MAY 22 OR 23. THE PROSECUTOR THEN PLANNED TO FORWARD THE CASE TO THE COUNTY (POWIAT) COURT AND IT WAS EXPECTED THAT THE TRIAL WOULD BE HELD WITHIN SEVEN DAYS. THREE PERSONS WILL BE TRIED, WHICH INDICATES THAT THE PERSON WHO FURNISHED THE HANDWRITTEN POEM HAS BEEN IDENTIFIED AND THE INDIVIDUAL ALLEGEDLY RESPONSIBLE WILL BE A CO-DEFENDANT.

2. ACCORDING TO THE PROSECUTOR, THE INDIVIDUALS WILL BE CHARGED UNDER ARTICLES 271, PARA 1, AND 73, PARA 2, OF THE CRIMINAL CODE. ARTICLE 271, PARA 1, STATES THAT "WHOEVER SPREADS FALSE INFORMATION, IF SUCH INFORMATION MAY BE SERIOUSLY DETRIMENTAL TO THE INTERESTS OF THE POLISH PEOPLE'S REPUBLIC, IS LIABLE TO IMPRISONMENT FOR A TERM OF UP TO THREE YEARS." ARTICLE 273, PARA 2, STATES: "WHOEVER, IN ORDER TO DISSEMINATE THEM, PREPARES, STORES, TRANSPORTS, CARRIES OR DELIVERS LETTERS, PRINTED MATERIALS OR OTHER ITEMS WHOSE CONTENTS

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ARE DESCRIBED IN THE PRECEDING ARTICLES 270-272, IS LIABLE TO

IMPRISONMENT FOR A PERIOD OF FROM SIX MONTHS TO FIVE YEARS."

3. MR. MALIN WAS INFORMED THAT THE TRIAL WILL BE PUBLIC AND THAT HE COULD ATTEND IT. HE ASKED WHETHER IT WOULD BE POSSIBLE FOR HIM TO FURNISH EVIDENCE OF THE GOOD CHARACTER OF THE ACCUSED. THE PROSECUTOR SUGGESTED MALIN DISCUSS THE MATTER WITH THE DEFENSE LAWYERS AND STATED THAT ANY DOCUMENTS OR LETTERS HE WISHED TO PRESENT WOULD BE RECEIVED BY THE COURT.

4. MALIN PLANS TO GO OVER THE ACCUSATIONS IN DETAIL WITH THE DEFENSE LAWYERS ON MAY 23 OR 24 AND WILL COME TO WARSAW FOR DISCUSSIONS AT THE EMBASSY BEFORE THE TRIAL BEGINS. WE WILL PROVIDE ADDITIONAL DETAILS AS SOON AS RECEIVED.
DAVIES

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